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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,775	09/17/2003	Robert D. Dressler		6390

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Miller Law Group, PLLC
25 Stevens Avenue
West Lawn, PA 19609

EXAMINER

KATCHEVES, BASIL S

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,775

Applicant(s)

DRESSLER, ROBERT D.

Examiner

Basil Katcheves

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-23 and 28-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-31 is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19 is/are rejected.
- 7) ☒ Claim(s) 20-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claims 18 and 24-27 have been cancelled by the applicant in the amendment dated 10/19/05. Pending claims 1-17, 19-23 and 28-31 are examined below.

Claim Objections

Claim 19 is objected for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 19 recites limitations of a device which is not claimed in claim 17. If the claims are directed to a combination, clarification is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5 and 10-13 are rejected under 35 U.S.C. 102(e) as being U.S.

Patent No. 6,536,166 to Alley.

Regarding claims 1, and 10-13, Alley discloses a mounting bracket having a body member with first and second side walls (fig. 10: 301 & 302) defining a cavity (300) in between, a first planar clamping jaw (402) being fixed when not manipulated by a tool, and a second planar clamping jaw (412) being capable of selective positioning by use of a actuators (510).

Regarding claim 3, Alley discloses the first clamping jaw (fig. 8: 401) as being fixed to the side wall (301).

Regarding claim 4, Alley discloses the first clamping jaw as being detachably connected to the first side wall.

Regarding claim 5, Alley discloses the actuator in the second wall (510) as being threaded.

Claims 17 and 19 are rejected under 35 U.S.C. 102(b) as being U.S. Patent No. 2,320,776 to Gorton.

Regarding claim 17, Gorton discloses a bracket having two side walls (fig. 3: 7), a top surface connecting the sidewalls and forming a cavity (13), an attachment receptacle depression on the top surface having a single wedge edge, and a vertical opening extending from the top into the cavity for a fastener (20, 21) which can only be accessed from the cavity.

Regarding claim 19, Gorton discloses the device (9 & 15) as having a beveled edge corresponding to the depression.

Claims 1-8, are rejected under 35 U.S.C. 102(b) as being U.S. Patent No. 1,877,781 to Akerlund.

Regarding claims 1, Akerlund discloses a bracket having first and second side walls (fig. 1: 3 & 13) with substantially planar clamping jaws (13 & 9).

Regarding claim 2, Akerlund discloses the clamping jaws as being serrated (fig. 1).

Regarding claim 3, Akerlund discloses the first clamping jaw (9) as fixed to the sidewall.

Regarding claim 4, Akerlund discloses the first jaw as being detachably connected.

Regarding claim 5, Akerlund discloses a threaded actuator (4).

Regarding claim 6, Akerlund discloses a threaded fastener (8) engaged to the actuator to secure the first jaw.

Regarding claims 7 and 8, Akerlund discloses the top surface as having a depressed attachment surface with wedges (fig. 1: see depressed area between 13 and 14, near the number 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,536,166 to Alley in view of U.S. Patent No. 5,765,902 to Love.

Regarding claim 2, Alley does not disclose the clamping surfaces as having serrations. Love discloses a clamping surface with serrations (fig. 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Alley by adding serrations, as disclosed by Love, in order to better grip the roof seam.

Claims 7-9, 14-16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,536,166 to Alley in view of U.S. Patent No. 6,453,623 to Nelson et al.

Regarding claims 7, 14 and 25, Alley discloses a snow stop mounted to the top of the clamp (fig. 3a) but does not disclose a formed receptacle for attaching the snow stop body. Nelson discloses a snow stop and mount (fig. 2) having an attachment receptacle for the snow stop (fig. 2: 34). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Alley by using the

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receptacle as disclosed by Nelson in order to mount a snow stop in a more secure manner.

Regarding claims 8 and 15, Nelson discloses a wedging edge (34) for trapping the snow stop.

Regarding claims 9 and 16, Nelson discloses a generally vertical opening for a fastener (5) in the top mount for engaging a snow stop.

Claim Objections

Claims 20-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Allowable Subject Matter

Claims 28-31 are allowed.

Response to Arguments

Applicant's arguments filed 10/19/05 have been fully considered but are moot under new grounds of rejections.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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The cited patents listed on the included form PTO-892 further show the state of the art with respect to clamps in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.

BK


Basil Katcheves

3/16/06

Examiner AU 3635